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# Quality Assurance Bulletin

December 1, 2011      No. 11-07

Program Support Bureau

County of Los Angeles - Department of Mental Health

Marvin J. Southard, DSW, Director

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## New Minor Consent for Mental Health Services Law

As of January 1, 2011, a new Minor Consent Law went into effect under Health & Safety Code § 124260 allowing minors to consent to their own mental health services. **This new Minor Consent Law does not supersede or replace the existing Minor Consent Law under Family Code § 6924.** Rather, both laws permit a minor to consent to his or her own mental health treatment provided that the required elements in the law are met. Unlike Family Code § 6924, the Health & Safety Code § 124260 permits a minor to consent to his or her own mental health treatment if the minor is 12 years of age or older and is, in the opinion of the attending professional person, mature enough to participate intelligently in mental health treatment or counseling services; Health & Safety Code § 124260 DOES NOT require, as does Family Code § 6924, that the minor (A) would present a danger of serious physical or mental harm to self/others without the mental health treatment or counseling or (B) is the alleged victim of incest or child abuse.

**Note, however, that while the Legislature has broadened the instances when a minor may consent to his or her own mental health treatment, it has not similarly expanded the circumstances under which minor consent services may be claimed to Medi-Cal. It is the understanding of LAC-DMH that when minor consent for services is obtained under the Health and Safety Code § 124260, those services may not be claimed to Medi-Cal (or Healthy Families, OHC), even if the minor is found to meet Medi-Cal Medical Necessity criteria.**

If a minor consents for services under the Health & Safety Code § 124260 criteria, the provider must have other non-Medi-Cal/EPSTD match funding in its contract and available for reimbursement for the full cost of services. Providers may choose to use the appropriate IS plan that contains un-matched funds or CGF dollars for services and must uncheck the Medi-Cal box on the claim screen in the Integrated System (IS).

### Additional Information on Minor Consent for Mental Health Services

There are other circumstances, in addition to those referenced within this Bulletin, that allow minors to consent to their own mental health services. ***For additional information on this subject, Contract-Providers should consult their own legal counsel. Directly-Operated Providers may contact the DMH Quality Assurance Division, Program Support Bureau.***

**Please Note:** The Integrated System (IS) requires an "Authorization of Minor" code for clients under 18 when opening an episode. Two new codes have been added to the list of valid "Authorization of Minor" codes: 16-Family Code § 6924 and 17-Health & Safety Code § 124260 (see attached IS News Bulletin 74). One of these two new codes should be used if the minor consented for mental health treatment under either of these two laws. In addition, the QA Division is in the process of updating the Consent of Minor Form for use by Directly-Operated programs. Please watch for a Clinical Records Bulletin for additional information regarding this revised form.

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## Integrated System News Bulletin

I.S. News Bulletin #074

12/1/2011

### NEW VALUES FOR AUTHORIZATION FOR TREATMENT OF MINOR

Attention: Local Plan SD/Medi-Cal Providers

#### STOP – Impact on You

Effective November 7, 2011, two new values listed below for “Authorization for Treatment of Minor” have been added in the Integrated System (IS).

#### **Family Code Section 6924** **Health and Safety Code Section 124260**

The IS Codes Manual has been revised to reflect these new values and its new version 4.6 has been published to the IS Website under IS Home page.

#### CAUTION – What You Need to Know

The “**Treatment Authorization for Minor**” field is located on the Outpatient, Day Treatment and Inpatient “**Episode**” screen “**Admission**” tab. These new values are listed in the drop down menu for selection if a minor client consents to his/her own mental health services under Family Code Section 6924 or Health & Safety Code Section 124260.

See Quality Assurance Bulletin No. 11-07 (go to [http://dmh.lacounty.gov/wps/portal/dmh/admin\\_tools/prov\\_manuals](http://dmh.lacounty.gov/wps/portal/dmh/admin_tools/prov_manuals) and click on “Quality Assurance Bulletins”) regarding Health & Safety Code Section 124260 and who to contact to get additional information about consent of minor for mental health services.



#### GO – What You Need to Do

Providers must ensure the correct “Treatment Authorization of Minor” code is chosen when opening an episode for clients under the age of 18. For a complete list and description of “Authorization for Treatment of Minor”, click the link provided below to download the IS Codes Manual and print pages 5 through 6.

<http://lacdmh.lacounty.gov/hipaa/documents/CODESMANUAL-IS2Version4.6.pdf>

If you have any questions, please call the Help Desk at (213) 351-1335.